

1 CHARLES B. WALKER  
Executive Director  
2 City of San Diego Ethics Commission  
1010 Second Avenue, Suite 1530, San Diego, CA 92101  
3 (619) 533-3476

4 Complainant  
5  
6  
7

8 **BEFORE THE CITY OF SAN DIEGO**  
9 **ETHICS COMMISSION**

10 In the Matter of ) Case No. C02-18  
11 Planned Parenthood Affiliates )  
of California Action Fund, ) **STIPULATION, DECISION**  
12 ) **AND ORDER**  
Respondent. )  
13 \_\_\_\_\_ )

14 **THE PARTIES STIPULATE AS FOLLOWS:**

15 1. Complainant Charles B. Walker is the Executive Director of the City of San  
16 Diego Ethics Commission [Ethics Commission]. The Ethics Commission is charged with the  
17 duty to administer, implement, and enforce local governmental ethics laws contained in the San  
18 Diego Municipal Code [SDMC] relating to, among other things, campaign finance as set forth in  
19 the City's Campaign Control Ordinance [ECCO].

20 2. Respondent Planned Parenthood Affiliates of California [Respondent] is an organization  
21 registered with the State of California as a General Purpose Recipient Committee (Filer  
22 Identification No. 960382) that received contributions of \$1,000 or more in a calendar year to  
23 support or oppose state or local candidates in connection with the March 5, 2002, Primary  
24 Election.

25 3. This Stipulation, Decision and Order [Stipulation] will be submitted for consideration by  
26 the Ethics Commission at its next scheduled meeting, and the agreements contained herein are  
27 contingent upon the approval of the Stipulation and the accompanying Decision and Order by the  
28 Ethics Commission.

4. This Stipulation resolves all factual and legal issues raised in this matter by the Ethics Commission without the necessity of holding an administrative hearing to determine the Respondent's liability.

5. Respondent understands and knowingly and voluntarily waives any and all procedural rights under the SDMC, including, but not limited to, a determination of probable cause, the issuance and receipt of an administrative complaint, the right to appear personally in any administrative hearing held in this matter, the right to confront and cross-examine witnesses testifying at the hearing, the right to subpoena witnesses to testify at the hearing, and the right to have the Ethics Commission or an impartial hearing officer hear this matter.

6. The parties agree that this Stipulation is binding upon the Ethics Commission, but is not binding upon any other law enforcement or government agency and does not preclude the Ethics Commission from cooperating with or assisting any other law enforcement or government agency with regard to this or any other related matter.

7. The parties agree that in the event the Ethics Commission refuses to accept this Stipulation, it shall become null and void. Respondent further agrees that in the event the Ethics Commission rejects the Stipulation and a full evidentiary hearing before the City Ethics Commission becomes necessary, no member of the Ethics Commission or its staff shall be disqualified because of prior consideration of this Stipulation.

## SUMMARY OF FACTS

8. Respondent commissioned a phone bank on March 4, 2002, to support the candidacy of Michael Zucchet for City Council District 2. Respondent paid the sum of \$2,456.60 for this phone bank.

9. Respondent commissioned another phone bank on March 4, 2002, to support the candidacy of Dwayne Crenshaw for City Council District 4. Respondent paid the sum of \$1,848.80 for this phone bank.

10. On April 23, 2002, Respondent filed two Late Independent Expenditure Reports (commonly known as Forms 496) with the Office of the City Clerk, reflecting the independent expenditures described in paragraphs 8 and 9.

1 **SUMMARY OF LAW**

2 11. ECCO requires candidates and committees to file campaign statements in the time and  
3 manner required by California Government Code section 81000 et seq. (SDMC section 27.2931).

4 12. California Government Code section 82036.5 defines a “late independent expenditure” as  
5 follows:

6 “Late independent expenditure” means any independent expenditure which totals  
7 in the aggregate one thousand dollars (\$1,000) or more and is made for or against  
8 any specific candidate or measure involved in an election before the date of the  
election but after the closing date of the last campaign statement required to be  
9 filed prior to the election by a candidate or committee participating in such  
election.

10 13. California Government Code section 84204(a) contains language applicable to the filing  
11 of Late Independent Expenditure Reports:

12 A committee that makes a late independent expenditure, as defined in Section  
13 82036.5, shall report the late independent expenditure by facsimile transmission,  
14 telegram, guaranteed overnight mail through the United States Postal Service, or  
personal delivery within 24 hours of the time it is made.

15 **COUNT 1**

16 **Violation of SDMC Section 27.2931**  
17 **(Zucchet Phone Bank)**

18 14. Respondent did not timely file a Late Independent Expenditure Report in connection  
19 with the \$2,456.60 it spent for the March 4, 2002, phone bank supporting Michael Zucchet.  
20 Although the Form 496 was due on March 5, 2002, Respondent filed it on April 23, 2002, forty-  
21 nine days late.

22 **COUNT 2**

23 **Violation of SDMC Section 27.2931**  
24 **(Crenshaw Phone Bank)**

25 15. Respondent did not timely file a Late Independent Expenditure Report in connection  
26 with the \$1,848.80 it spent for the March 4, 2002, phone bank supporting Dwayne Crenshaw.  
27 Although the Form 496 was due on March 5, 2002, Respondent filed it on April 23, 2002, forty-  
28 nine days late.

1

## 2

3

## 5

6

## 8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CONCLUSION**

19. Respondent shall pay a fine in the amount of \$1,000 for violations of SDMC section 27.2931 (Counts 1 and 2). This amount must be paid no later than January 9, 2003.

20. This Stipulation shall not become effective until Respondent has provided to the Ethics Commission the amount set forth in paragraph 19, by check or money order made payable to the City Treasurer.

DATED: \_\_\_\_\_  
CHARLES B. WALKER, Executive Director  
EXECUTIVE DIRECTOR ETHICS COMMISSION  
Complainant

DATED: \_\_\_\_\_  
RICHARD DUVERNAY, Attorney for Complainant

DATED: \_\_\_\_\_  
DAVID ALOIS, Electoral Affairs Director  
PLANNED PARENTHOOD AFFILIATES OF  
CALIFORNIA ACTION FUND, Respondent

DATED: \_\_\_\_\_  
THOMAS GAUTIER, Attorney for Respondent

**DECISION AND ORDER**

The Ethics Commission has considered the above Stipulation at its meeting on January 9, 2003. The Ethics Commission hereby approves the Stipulation and orders that, in accordance with the Stipulation, Respondent pay a fine in the amount of \$1,000.

DATED: \_\_\_\_\_  
DOROTHY LEONARD, Chair  
SAN DIEGO ETHICS COMMISSION